

Notice of Allowability

Application No.

09/987,264

Examiner

Ismael Quiñones

Applicant(s)

IKEDA ET AL.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 22, 2004.
2. ☒ The allowed claim(s) is/are 1-4, 7 and 8.
3. ☒ The drawings filed on 14 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on July 22, 2004. **Claims 1-4 and 7-8** are now pending in the present application. **This Action is made an Allowance.**

Allowable Subject Matter

2. Claims 1-4 and 7-8 are allowed; claims 7-8 are renumbered 5-6, respectively.
3. The following is an Examiner's statement of reasons for allowance:

Consider **claims 1 and 2**, the prior art of record fails to teach, disclose, or suggest a retransmission control method comprising the steps of: base stations receiving a signal sent from a mobile station; each of said base stations performing error judgment for said signal sent from said mobile station; said base stations exchanging results of said error judgment with one another; a corresponding base station of a communication partner of said mobile station obtaining results of error judgment of said corresponding base station and other base stations; said corresponding base station sending a response which indicates that retransmission is not required to said mobile station when said results includes a result indicating no error; and said corresponding base station returning a response which indicates that retransmission is required to said mobile station when every result in said results indicates that there is an error.

The best prior art found during the prosecution of the present application, Ghosh et al. (U.S. Pat. No. 6,678,523) disclose to teach, or suggest base stations

receiving a signal sent from a mobile station; each of said base stations performing error judgment for said signal sent from said mobile station; said base stations exchanging results of said error judgment with one another; base stations sending a response which indicates that retransmission is not required to said mobile station when said results includes a result indicating no error; and said corresponding base station returning a response which indicates that retransmission is required to said mobile station when every result in said results indicates that there is an error.

Ghosh et al. (U.S Pat. No. 6,678,523) fail to specifically teach, disclose or suggest a corresponding base station of a communication partner of said mobile station obtaining results of error judgment of said corresponding base station and other base stations.

Consider **claim 4**, the prior art of record fails to teach, disclose, or suggest a retransmission control apparatus in a base station, comprising: a part receiving a signal sent from a mobile station; an error judgment part performing error judgment for said signal sent from said mobile station, a part receiving, from other base stations via a network, error judgment results in said other base stations each of which receives said signal; a part sending a response which indicates that retransmission is not required to said mobile station when said error judgment results of said other base stations and an error judgment result by said error judgment part includes at least one result indicating no error; and a part sending a response which indicates that retransmission is required to said mobile station when every result of said error

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judgment results of said other base stations and said error judgment result by said error judgment part indicates that there is an error.

The best prior art found during the prosecution of the present application, Ghosh et al. (U.S. Pat. No. 6,678,523) disclose to teach, or suggest base stations receiving a signal sent from a mobile station; a part sending a response which indicates that retransmission is not required to said mobile station when said error judgment results of said other base stations and an error judgment result by said error judgment part includes at least one result indicating no error; and a part sending a response which indicates that retransmission is required to said mobile station when every result of said error judgment results of said other base stations and said error judgment result by said error judgment part indicates that there is an error.

Ghosh et al. (U.S. Pat. No. 6,678,523) fail to specifically teach, disclose or suggest a retransmission control apparatus in a base station, comprising: a part receiving a signal sent from a mobile station; an error judgment part performing error judgment for said signal sent from said mobile station, a part receiving, from other base stations via a network, error judgment results in said other base stations each of which receives said signal.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ahmavaara et al. (U.S. P.G.-Pub. No. 2004/0013105), Retransmission Method with Soft Combining in a Telecommunications System.
- b. Johansson et al. (U.S. Pat. No. 6,643,813), Method and Apparatus for Reliable and Efficient Data Communications.

5. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

6. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

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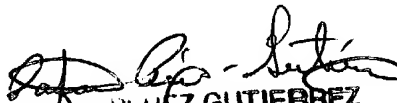
7. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379, and fax number is (703) 746-9818. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q.

September 15, 2004


RAFAEL PÉREZ-GUTIERREZ
PATENT EXAMINER

9/20/04